

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

MICHAEL SORRELL,

Plaintiff,

v.

CIVIL ACTION NO. 2:18-cv-01305

WRJ, et al.,

Defendants.

ORDER

Pending before this Court is a Complaint filed by Plaintiff Michael Sorrell. (ECF No. 2.) By Standing Order entered on January 4, 2016, and filed in this case on September 20, 2018, (ECF No. 4), this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition (“PF&R”). Magistrate Judge Tinsley filed his PF&R on April 5, 2019, recommending that this Court find that Defendants WRJ, SCRJA, and SWRJ “are not persons who can be sued under 42 U.S.C. § 1983 and are further immune from suit in federal court under the Eleventh Amendment” and dismiss them from the case. (ECF No. 13.)

This Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff’s right to appeal this Court’s

order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on April 22, 2019. (ECF No. 13.) To date, Plaintiff has failed to submit any objections in response to the PF&R, thus constituting a waiver of *de novo* review and Plaintiff’s right to appeal this Court’s order.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 13), in full and **DISMISSES** Defendants WRJ, SCRJA, and SWRJ from the action. This matter is **RE-REFERRED** to Magistrate Judge Tinsley for further pretrial management and submission of PF&Rs.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: April 30, 2019



THOMAS E. JOHNSTON, CHIEF JUDGE